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SCOTCH MEMBER OF PARLIAMENT,

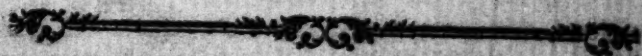
AGAINST THE

BILL for Repealing the PENAL STATUTES

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PAPISTS IN SCOTLAND.

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PRINTED IN THE YEAR, MDCCLXXIX.

ST. P. H. G. H.

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SCOTCH MEMBERS OF PARLIAMENT



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AGAINST

PAPISTS IN SCOTLAND

Printed by J. G. & Co. Edinburgh

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By ANTICIPATION: A SPEECH spoken by a
Scotch Member of Parliament, against the
BILL for Relief to *Roman Catholics* in SCOT-
LAND.

MR. SPEAKER,

MY Expectation, that nothing of importance to the general interest of the Nation, would be moved at the end of the last Session of Parliament, and the necessity of my presence to attend some of my own particular affairs, occasioned my returning home before the end of the Session.

As often as I have thought of this incident, I have greatly regretted my deserting my seat in this house, when a matter of the last importance to the peace, to the happiness, to the privileges of the subjects of Great Britain, to the rights of our Sovereign—, the security of his crown and dignity, was agitated in Parliament; and a law passed destructive of them all:—I say, Sir, not only *destructive* of these blessings I have now enumerated, but tending to *subvert* and *overthrow* our PROTESTANT CONSTITUTION itself.—Not that I have the vanity to think, that I either by my influence, or speeches, could have prevented the Bill passing into a law, for repealing the penal statutes against Papists in England, but that I was, by absence, prevented from giving that *testimony* against the BILL, which I now mean to give against the one brought in, for giving the same *legal* toleration to the Papists in Scotland.

Before I proceed to give my reasons against the Bill, I will take the liberty to declare my sentiments on religious toleration, respecting societies and individuals in general; and with respect to the toleration of the Romish religion in particular.

Although I am in heart, and by profession a *Protestant*, nay, PRESBYTERIAN, I have ever held it an axiom, and first principle, that every man should be allowed to worship God according to conscience, and these religious principles which he has adopted according to its award; provided, he also allow others the same liberty he claims for himself; and, that such religious principles are also consistent with the safety of the society or state in which we both live. As to the Roman Catholic religion, now proposed to be legally tolerated, by the gentlemen who are of that profession, I must make a distinction.

Of many of the gentlemen professing that religion, it is but truth and justice to acknowledge them possess of candour, integrity, and humanity in their transactions in common life; good neighbours, and obliging friends; but with regard to both the religious and political principles of the bishop of Rome, and the hierarchy, of which he is the head, I think far otherwise.

These sentiments, Sir, are not founded in bigotry, or the prejudices of education, which are generally assigned by the gentlemen on the other side, who boast so much of a liberality of sentiment, and an education in a highly enlightened age, as the causes of opposition to this Bill. Similar causes are generally followed with similar effects.

The true genius of any religion, or political system, is most certainly known by the laws framed by the legislature, and the consequences which history informs us have followed such laws, for a tract of time, and on different occasions. As the bishop of Rome does not only claim a religious, but a civil jurisdiction over all the churches and kingdoms in the world, by his own rescripts, as well as by the canons and decrees of general councils, I do contend, that the Popish religion, when tolerated, more than by connivance, under the awe of the penal laws, now proposed to be repealed, is inconsistent not only with the peace and safety of a Protestant State, but with its very *existence*.

If I stand unsupported in this opinion, but by a few in the present age, I have the suffrages of the last age, and the noble spirits of it, to whose wisdom, and prudent foresight, we are indebted for the happy constitution, under which we now live, and the liberty we now enjoy of meeting in this house, and speaking our sentiments without any controul, but what decency and good manners should impose; but which, I am very sorry to say, Sir, are frequently ineffectual to keep us within bounds.—Gentlemen, now-a-days, take a side in a question, when the reason for their so doing is so enveloped in the flights and clouds of false oratory, that it is almost impossible to find it out; I mean to speak plainly, and I hope it shall be without offence.

My appeal for what I now affirm, is to the general history of Europe, for the last five centuries, and even part of what is gone of this; nay, I may even say to the present year, 1779.—Is the Popish religion more tolerant in either their principles or practice, *wherever they have power*, than it was 500 years ago?—Are there no prisoners in the dungeons, and prisons of the inquisition of Spain and Portugal in Europe?—in the inquisitions of the Spanish settlements in the East Indies, and South America?—If the natural politeness, and more natural political wisdom of the French, have put restraints on this inhumane tribunal in France, is the spirit which first founded it extinct?—No, Sir!—Let the edicts of Lewis the XV. against the Protestant inhabitants of Montaubon, Feb. 1st and 16th, 1745. and the consequent severities, bear witness.—Let the groans of the Protestant prisoners in the inquisitions, just now mentioned, add to the evidence!

But, why do I go abroad for instances of the intolerant spirit of the Popish religion? Let the history of our own country be our rule of judgment. What involved England in the civil war which raged in the reign of Charles I. for many long years? Popish counsels and Popish plots.—That weak and misguided Prince (tho' otherwise of no very exceptionable character) was the tool of his bigotted Popish concert, and her ghostly fathers, to bring back Great-Britain from her

heretical defection, to the bosom of the church of Rome.—And, it is asserted by historians of no contemptible credit, that his equivocal management in prosecution of this plan, had given origin to a resolution of the Popish party, to cut him off as a mistaken instrument for their purpose.—But the spirit of patriotism and liberty, saved *them* this trouble, and the Nation from arbitrary power, and popish tyranny, at one stroke.

Passing the interregnum under Oliver Cromwell, and coming immediately forward to the restoration of King Charles II. which, by the bye, was greatly promoted by the Scottish nation, such was their hope that Princes would be wise, by abandoning *Popery*, and holding to *Protestantism*; by which only they could reign with peace and safety in the hearts and affections of a free people, and independent of a hierarchy of ambitious and rapacious priests:—I say, passing this period, were the emissaries of Rome, in the succeeding reign, less industrious in their plots and machinations, to bring Great-Britain back to the religion and subjection to the holy mother church? No; by no means! Let the recent historians of these times bear testimony.

When that voluptuous Prince, indolent in matters of government, and indifferent to all religions, had got his passport to another world, by the hands of Hiddleston, a Romish priest; and his brother, a man of greater parts, more enterprising genius, and unquestionable attachment to the See of Rome had mounted the throne, what appearance did her sons then make? Just such as they have made in all ages, in all kingdoms, where they had power, and the reigning Prince on their side. The council, the army, the navy, the universities were filled with *Papists*; the laws trampled upon, private property invaded, and the constitution itself brought to the point of dissolution. Civil and religious liberty saw her *approaching fate*, but lost not a moments time in exerting her native and patriotic powers;—allowed the bigoted tyrant to abdicate the throne, and confirmed the salutary deed.

These are the historical facts which brought on the *Revolution* under the Prince of Orange, of immortal memory, at the request of the *British Protestants*; and these are the facts which induced the Legislature of that time, for ever to *reprobate* *POPERY*, and to lay the professors of that religion under the restrictions commonly known by the name of *the penal statutes against Papists*, though now repealed in *ENGLAND*, and proposed to be repealed in *SCOTLAND*, by the Bill in question.

Having now, Sir, as briefly as I could, investigated the spirit and genius of *Popery* from historical facts, which are irrefragable, and not liable to the cavils and sceptical objections, which may be thrown out against the arguments fetched from the decretal of Popes, and the canons and decrees of general councils.—I must intreat the patience of this honourable House, while I give my opinion, first as to the *legality* of repealing the penal statutes against *Papists* in *Scotland*; and next, of the *expediency* of this measure, in the present circumstances of the United Kingdoms.

It might be reckoned an act of presumption in me, Sir, were I to term what I am now to say, respecting the Revolution settlement, a piece of new information. Most of the honourable Gentlemen know the history of that æra full better than I do; therefore, I only beg leave to call up their recollection, to a series of facts they well know.

Before King William could consider himself securely seated on his throne, the *act of settlement*, and the *claim of rights* behoved to be established:—these both took place *anno* 1689, immediately after his accession.—By the act of settlement, the succession to the crown was secured in the *Protestant* line; and the old family, in respect of their being *Papists*, and the attempt of the abdicating Prince to rule, without regard to the laws of the land, and his coronation oath, were for ever excluded.—By the claim of rights (virtually the renewal and confirmation of the *Magna Charta* of England) the *civil and religious rights* of the subject are enumerated, and confirmed to them by Act of Parliament.—Under this guarantee, the King and subjects, of both England and Scotland, enjoyed their respective rights and privileges.

After King William's demise, and Queen Anne's accession to the throne, the Union between the two kingdoms was moved, *anno* 1706; and, after various transactions, too tedious to be mentioned in this place, it was concluded and ratified 1707. In the claim of rights, articles of union, and subsequent act of security, every thing is said that could express the anxiety of the two nations, to secure the *Protestant Religion*; and to prevent the growth of *Popery*, as inimical to it.

In the claim of rights it is declared, ' That the erecting schools and colleges for *Jesuits*, and the allowing *mass* to be said, are contrary to law: That the taking the children of noblemen and others, sending and keeping them abroad, to be bred *Papists*, and the perverting of Protestants from their religion, are contrary to law: That the allowing *Popish books* to be printed, and dispersed, is contrary to law: That the *disarming of Protestants*, and *employing Papists*, in the places of greatest trust, both civil and military; the entrusting Papists with the Forts and Magazines of the Kingdom, are contrary to law.

' In the conclusion, the Nation claim, demand, and insist upon all and sundry the premises, as their *undoubted rights and liberties*; and that no declarations, doings, or proceedings, to the *prejudice* of the people, in any of the said principles, ought in any wise to be drawn hereafter, in consequence or example.— This claim of right is confirmed by the second article of Union; and by the act for securing the Protestant religion, and Presbyterian church government in Scotland, annexed to the articles of Union. The *claim of rights* is again ratified, and the Protestant religion, and Presbyterian church government confirmed, to continue without any alteration to the people of Scotland in all succeeding generations; and to remain and continue unalterable. And, lastly, It is statute and ordained, that this act of parliament, with the establishment therein

‘ contained, shall be held and observed in all time coming, as a fundamental and essential condition of any treaty, or union, without any alteration thereof; or derogation thereto, in any sort whatsoever.’

I shall only add to this sketch of the fundamental laws of Scotland, a few sentences, respecting the security of the civil and religious rights of the united Kingdoms of England and Scotland.—The bare repetition will announce from whence they are taken, and what additional barrier they make against Popery.—‘ Will you solemnly promise and swear, to govern the people of this kingdom of England, and the dominions thereunto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same?—Answered; I solemnly promise so to do.—Will you, to the utmost of your power, maintain the laws of God, the true profession of the gospel, and the *PROTESTANT reformed religion*, established by the law?—And, will you preserve unto the bishops and clergy of this Realm, and to the churches committed to their charge, all such rights and privileges as by the law do, or shall appertain unto them, or any of them?—All this I promise to do. Then, with hand on the holy gospels,—he or she says,—‘ The things which I have here before promised, I will perform and keep.—So help me God.’

Since the union, every King, at his succession to the crown of the united kingdoms, shall take and subscribe an oath, to preserve the *Protestant* religion, and *Presbyterian* church government in Scotland. Is not the Protestant religion in both kingdoms, and their respective forms of church government, equally secured by the above oaths?

Having now, Sir, collected, into as narrow a point of view as I could, the fundamental laws and securities against Popery, in both kingdoms, framed by men who will be allowed not less wise than the present age, from their natural endowments; and much wiser in the point in question, if long and distressful experience may ever be expected to make men so.

If the Bill in question has not a natural tendency to promote and increase the growth of *POPERY*, and the increase of power, (the concomitant of landed property) I appeal to the consciences of the gentlemen on the other side: and if it hath this tendency, I again appeal to them, if it be not a public and notour *infringement* of the claim of rights,—articles of union,—and acts of security, confirmed by both the *English and Scots Parliaments*.

But, as I am well aware of the argument they oppose to all this, namely,—That *modern Popery* is very different from *antient Popery*; mankind are more civilized, and consequently more enlightened than in the former dark ages of bigotry and superstition, and no such danger is to be apprehended from the toleration now proposed, as in those times. I beg leave to differ, and to entertain a quite contrary opinion.—I believe Popery is the same *now* as formerly; but, for the want of power, and the restraint it has been laid under. However, when the Pope shall, by a rescript under his hand-writing, ratified by his Cardinals and a general

council, renounce and disclaim his supremacy over all Christian kingdoms and churches, his or the Catholic churches infallibility;—his dispensing power as to the most solemn compacts and treaties, though confirmed by oath:—his assumed power to dethrone Emperors, Kings, and Princes, and to absolve their subjects from their allegiance to them.—The doctrine of the legality, nay, the meritorious effect of killing heretics, or those who differ from them in religious principles:—when his Pope'ship shall abolish the courts of inquisition, and discharge the officers of them in all the kingdoms and states where these courts now exist:—and, finally, when he allows all Protestants and dissenters from the church of Rome, the free and undisturbed enjoyment of their own religion:—then, and then only, when I am ascertained of this reform in the doctrine and discipline of the Romish church, will I believe there is any difference betwixt antient and modern Popery, and that it is safe to grant Papists the legal toleration proposed in the Bill.

Allowing, however, for argument's sake, but by no means admitting for fact, that the modern Papists are more tolerant than the antient, and that the fears of the people are groundless, I contend, that the Parliament of Britain, have neither *right* nor *power* to force the law proposed, because it is against law;—against the faith of the most solemn National treaties, not reversible; but by the successors of the parties who first made this treaty of Union.—These are the estates of the Parliament of Scotland, or their Commissioners, on the one side;—and the Parliament of England, or their Commissioners, (specially appointed for the purpose) under the great Seal, on the other side.—Those were the original contracting parties:—those, were they in life, would have the power of altering or innovating the articles of Union; and those only.—But now that they are deceased, that power must fall to their heirs and successors, and not to the British Parliament, otherwise, there would be no security to the Scotch of their religious liberty and national religion at all;—or, at most, such security as bears the same proportion as the number of Scotch members of Parliament bears to the English, *viz.* as 45 to 513.; and 16 to about 160, or on the whole, as 1 to 12.

I admit, that the laws in Scotland, *which concern public right, policy, and civil government, may be made the same throughout the whole united Kingdom*; but the continuance of the *Protestant* religion and *Presbyterian* church government in Scotland, is a *fundamental* and *essential* condition of the treaty of Union, unalterable by any British Parliament that has existed, since the year 1707, or shall ever hereafter exist.—Therefore, if the Scotch Nation are of the same opinion with their ancestors, that the growth of Popery is destructive of their national religion, and that the Bill has a *certain tendency* that way, this Parliament cannot pass the Bill into a law, without breaking through the most solemn and fundamental laws, and violating the faith of treaties in the face of the world.—That the Nation at this time are of the same opinion with their ancestors, this honourable house may be convinced at once, from the declarations, petitions, and remonstrances, subscribed by many thousands now on the table, or in the hands of the council at the barr, ready to be produced.

Men of *little* regard to religion may be indifferent, and men of *no* religion may laugh at these matters, although they are turning too serious to deserve such treatment from either.—A few years ago, some people talked of the *omnipotence* of Parliament, and the *irresistible* power of the British arms, who have now seen experimentally, that they are but high swelling words of vanity.—I have now, Sir, but a few things to say on the *expediency* of bringing in such a Bill, as that now in debate, in the present state, of the united kingdoms, which I shall do with as much brevity as I can.

America, that extensive and important part of the British Empire, in an ingrateful and unnatural rebellion, hath at last declared her independence. *France*, our old and inveterate enemy, hath joined our infatuated countrymen, and become the guarantee of this independence. Four campaigns made by the best troops in the world, assisted by powerful fleets, have proved ineffectual to conquer a raw undisciplined army of planters and farmers; while our treasures have been wasted by real expenditure, and our soldiers and sailors have been wasted more by the fatigue of useless and impotent manœuvres, than by the sword.—Our councils at home distracted with the baleful spirit of discord and faction:—our manufacturers and trade in the greatest decay;—our heavy taxes increasing every year;—our enemies many, and increasing; and our friends few, and decreasing.—Such is the general state of Great Britain.—But one part of it, and a considerable one too, presents particularly a more distressful prospect. *SCOTLAND*, neither so rich by nature, nor so far advanced in manufactures and commerce, is drinking deep of the cup of general distress. The infant manufactures of that country, are near expiring by the stagnation of foreign trade, which is decayed to a shadow.—Their mechanics out of bread, and on the point of starving, excepting such as are found fit for the army or the navy, the recruiting of both, which has drained their country of the prime of their youth, and to the great detriment of agriculture.—The property of her American traders, to the extent of many hundred thousand pounds, locked up in that country, which, if lost, (as there is great hazard of its being) will ruin many opulent families and their connexions, unless government give them relief, which by the way, they ought to do.—The towns and the country swarming with wives, widows, children, and orphans of soldiers and sailors, either abroad in the public service, or dead in Great Britain's cause, and who must be supplied or allowed to starve.—Underlying all these accumulated distresses, without a murmur or complaint;—persisting in their loyalty to his Majesty, and attachment to his royal family; expressing it by raising new levies at their own expence,—encouraging, by bounties, the recruiting of the standing regiments, and entering on board his Majesty's ships of war.—In a word, bearing the heaviest part of the public calamity, and shewing the greatest spirit in the support of government!

Let the promoters of this Bill, look at these out lines of Scotland's present distress, and say that it is expedient to push the Bill, and carry it into a law, although it should be adding affliction to the afflicted;—requiting evil for good;—extirpating from the hearts of Scotch men every principle of loyalty, by wounding

them in the most tender, I may say, their *vital* part; for, I must be allowed to say, A Scotch man will part with any thing, with every thing, sooner than his religious liberty.—I speak, Sir, of the Nation in general; for I know there may be exceptions to any general rule.—But setting aside all regard to the interest and inclinations of Scotland, I ask it of the gentleman advocates for the Bill, if they can in their hearts believe they are serving his Majesty's interest, or consulting the security of his crown, and the British constitution, by the management they are now supporting? Is it expedient, when we have many enemies, to increase their number, and strengthen their hands?—When we have few friends, and those perhaps of our own country only, to strike them off?—When we want both army and navy recruited, to alienate from the service, a country which has so amply furnished recruits for both, perhaps ten to one of what *more rich, more populous England*, has furnished since the commencement of the present unhappy war?—I flatter my self, the answer to these queries will be comprehended in the short syllable,—*No!*

But, perhaps, the friends of the Bill will add,—The Roman Catholics are good subjects, and have been so of a long time; therefore, it is hard to keep them under such severe penalties.

I admit, Sir, many of them have been, and are still good subjects; but, I am not singular in thinking this is as much owing to restraint, as principle. I wish them not laid under greater restraints than formerly; and I wish them never to meet with harsher treatment than they have had since the revolution.—They may have been frightened, but they have seldom or never been hurt: and if this has been the case, it was but their duty to be good subjects to a government under which they have so long lived peacefully and happy.

But pray, Sir, what works of supererogation have they done to merit such favour now, more than the Scots or English Protestants?—Was it by the good offices and aid of Papists, that the Revolution was brought about, and the Nation in a few years, relieved from intestine war and broils till now, excepting in two instances, the rebellions in 1715, and 1745? And, were these two rebellions crushed by the extraordinary aid of the Papists, or such people as prayed publicly for the Pretender?—In fine, what remarkable services have they done since the commencement of the present war?—I rejoice to hear of the loyalty and attachment to government of these people, though still I am inclined to say, with the wise Trojan, when asked his opinion of the propriety of admitting the wooden horse into the city, *Timeo Danaos, & dona ferentes.*

On the whole, Sir, I must give my hearty negative to the Bill as being against law, and the faith of treaties, and peculiarly inexpedient in the present distracted state of the British Empire.—And, I only add, that I would give my hearty concurrence to a motion for bringing in a Bill, this very Session, for *rescinding* the act passed last Session, for repealing the penal statutes against Papists in England.